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OFFICE OF PETITIONS

In re Application of :
Tae Hwan Jung :
Application No. 10/646,863 : DECISION ON PETITION
Filed: August 25, 2003 :
Attorney Docket No.: 1594.1274 :
Title: DOOR CONTROL DEVICE FOR :
REFRIGERATORS AND REFRIGERATOR :
WITH THE DEVICE :

This is a decision on the petition filed April 20, 2005, requesting that Figures 1-3 be accorded a filing date of August 25, 2003, as part of the original disclosure.

The application was deposited on August 25, 2003. However, on March 10, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application (notice)," stating that the application had NOT been accorded a filing date, and advising applicants that a filing date would be accorded upon the depositing of drawings. The notice set a two-month period for response.

In response, on April 20, 2005, applicants filed the present petition. The petition is further accompanied by a postcard receipt acknowledging receipt of "3 sheets of drawings (Figs. 1-3)" in the United States Patent and Trademark Office (Office) on August 25, 2003. Applicants request that Figures 1-3 be accorded a filing date of August 25, 2003 as part of the original disclosure.

It is noted that no sheets of drawings have been located in the electronic file.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 25, 2003 included Figures 1-3, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 1-3, was complete on filing and these figures are entitled to a filing date of August 25, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed March 10, 2005 referring to the missing drawings was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$400 will be refunded to Petitioner's Deposit Account.

The Office of Initial Patent Examination will be advised to process this application with a filing date of August 25, 2003, using the original application papers filed on that date, as well as Figures 1-3 submitted on April 20, 2005 with the instant petition and for indication in Office records that these figures were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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